

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to reflect amendments adopted through May 10, 2011.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		(10,000)		(20,000)
CASH FUNDS	126,140	211,875	20,350	426,125
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	126,140	201,875	20,350	406,125

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation. This act becomes operative January 1, 2012.

The Department of Motor Vehicles (DMV) states the following regarding this amended bill:

As amended LB667 retains the Administrative License Revocation (ALR) process while enhancing the Ignition Interlock program (IIP), among other things. The bill proposes an implementation date of Jan. 1, 2012. DMV estimates that the overall affects of LB667 will ultimately reduce the number of ALR petitions for hearings, due to the enhancements in the IIP. Initially, however, DMV will be administering the old ALR process for those arrested prior to Jan 1, 2012 simultaneously with the new ALR process enacted by LB 667.

The timeframe by which DMV can reduce expenditures due to the reduced number of hearings is controlled in a large part by forces external to DMV. DMV can do little to affect the number of DUI arrests, the number of hearings, the number of district court appeals, etc. through process change. Due to these and other factors DMV is proposing a gradually reduction of personnel and operating costs. If the reduction in workload is accelerated then reductions can be made through deficit appropriations or the biennium budget process.

DMV estimates the impact this bill may have on expenditures and revenues as follows:

EXPENDITURES	FY2011-12	FY2012-13
Proposed Changes to Cash Fund Budget:		
1. Reduction of postage due to the elimination of certified mailings	(21,860)	(54,650)
2. Cost to modify IIP operator's license	38,000	0
3. Develop and provide for a public education campaign	100,000	65,000
4. Appropriation for Indigent Ignition Interlock aid	10,000	10,000
TOTAL	126,140	20,350
By Specific Fund:		
Motor Vehicles Cash Fund	116,140	10,350
Department of Motor Vehicles Ignition Interlock Fund	10,000	10,000
TOTAL	126,140	20,350

REVENUES		FY2011-12	FY2012-13
ALR work driving permits will be eliminated	# of permits = 500		
General Fund		(10,000)	(20,000)
Motor Vehicles Cash Fund		(1,875)	(3,750)
TOTAL		(11,875)	(23,750)
Increase in the number of ignition interlock permits	Fee		
Motor Vehicles Cash Fund	\$ 5.00	22,500	45,250
Department of Motor Vehicles Ignition Interlock Fund	\$ 40.00	180,000	362,000
Department of Motor Vehicles Security Cash Fund	\$ 2.50	11,250	22,628
TOTAL	\$ 47.50	213,750	429,878
TOTAL REVENUE IMPACT BY FUND SOURCE			
General Fund		(10,000)	(20,000)
Motor Vehicles Cash Fund		211,875	426,125
TOTAL		201,875	406,125

The Nebraska Department of Correctional Services (NDCS) estimates an indeterminate impact from this amended bill and their response follows:

Amendment 162 to LB667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Sections that may impact the Nebraska Department of Correctional Services include the following:

Sec 3, which amends the motor vehicle homicide statutes. The bill provides that motor vehicle homicide shall be treated as a separate and distinct offense from any other offense, and shall be consecutive to any other sentence imposed.

Section 3 Discussion: There were 13 admissions in 2008; 9 admissions in 2009; and 8 admissions in 2010 for motor vehicle homicide. The terms range from 0-1 year to 45 to 45 years. Out of these 30 admissions, 13 were also sentenced for other offenses, ranging from criminal mischief, to leaving the scene, to another count of motor vehicle homicide, to manslaughter. Of these 13, seven are serving concurrent sentences. Amendment 162 removes the provision that the sentence be consecutive to any other sentence imposed. While the fiscal impact is still not determinable, it likely would not be significant.

Sec 22, of amendment 162, which amends 53-180-05. The provisions amend the penalty relating to selling or providing alcoholic liquors to minors or persons who are mentally incompetent. (53-180). The bill provides that a person violating section 53-180 shall be guilty of a Class III felony (penalty of 1-5 years imprisonment) if consumption of the alcoholic liquor provided by such person proximately caused serious bodily injury or death to the person consuming it or to another person..

Section 22 Discussion: This is a new felony penalty. NDCS is not able to determine the fiscal impact of this provision.

Section 40 of Amendment 162 provides that anyone who tampers with an ignition interlock device or operates a vehicle without such a device in violation of a court order shall be guilty of a Class IV felony. While there would be a fiscal impact, the fiscal impact is not determinable

The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

Currently, ignition interlock permit fees are deposited into the Probation Cash Fund located in the Supreme Court. Expenditures related to ignition interlocks come from this fund. The amended bill creates the Department of Motor Vehicles Ignition Interlock Fund. Ignition interlock permit fees and expenditures will now come from this new fund.

The Legislative Fiscal Office analyst (LFO) has been in contact with the Supreme Court. The Court states that moving this fund to DMV will have an impact on cash fund revenues and expenditures, but the Court does not anticipate any significant impact from this provision. Additionally, the Supreme Court does not anticipate any significant fiscal impact from the other provisions of this bill.

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

Prepared by: Gary Ryken

Date Prepared: 05-May-11

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		\$ (10,000)		\$ (20,000)
CASH FUNDS	\$ 126,140	\$ 211,875	\$ 20,350	\$ 426,125
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$ 126,140	\$ 201,875	\$ 20,350	\$ 406,125

Explanation of Estimate:

LB 667 as amended, changes provisions governing motor vehicle homicide, alcohol violations involving minors driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Expenditures

As amended LB667 retains the Administrative License Revocation (ALR) process while enhancing the Ignition Interlock program (IIP), among other things. The bill proposes an implementation date of Jan. 1, 2012. DMV estimates that the overall affects of LB667 will ultimately reduce the number of ALR petitions for hearings, due to the enhancements in the IIP. Initially, however, DMV will be administering the old ALR process for those arrested prior to Jan 1, 2012 simultaneously with the new ALR process enacted by LB 667.

The timeframe by which DMV can reduce expenditures due to the reduced number of hearings is controlled in a large part by forces external to DMV. DMV can do little to affect the number of DUI arrests, the number of hearings, the number of district court appeals, etc. through process change. Due to these and other factors DMV is proposing a gradually reduction of personnel and operating costs. If the reduction in workload is accelerated then reductions can be made through deficit appropriations or the biennium budget process.

Proposed Changes to Cash Fund Budget

	FY12	FY13
1. Reduction of postage due to the elimination of certified mailings	\$ (21,860)	\$ (54,650)
2. Cost to modify IIP operator's license	\$ 38,000	
3. Develop and provide for a public education campaign	\$ 100,000	\$ 65,000
4. Appropriation for Indigent Ignition Interlock aid	\$ 10,000	\$ 10,000
	\$ 126,140	\$ 20,350

MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Benefits				
Operating			\$ 116,140	\$ 10,350
Travel				
Capital Outlay				
Aid			\$ 10,000	\$ 10,000
Capital Improvements				
Total			\$ 126,140	\$ 20,350

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

Revenues

ALR work driving permits will be eliminated

	#	FY12	FY13
State General Fund	500	\$ (10,000)	\$ (20,000)
DMV Cash Fund		\$ (1,875)	\$ (3,750)
Total Change in Revenues		\$ (11,875)	\$ (23,750)

Increase in the number of IIP permits	Fee	FY12	FY13
DMV Cash Fund	\$ 5.00	\$ 22,500	\$ 45,250
DMV Ignition Interlock Fund	\$ 40.00	\$ 180,000	\$ 362,000
DMV Security Cash Fund	\$ 2.50	\$ 11,250	\$ 22,625
Total	\$ 47.50	\$ 213,750	\$ 429,875

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LB 667 AM 162 FISCAL NOTE

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Robin Spindler

Date Prepared: (4) 5/11/2011 Phone: (5) 479-5711

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	see below	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Amendment 162 to LB667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

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The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011 -2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Other				
Capital improvements				
TOTAL				